

13. Cancellation.

This Agreement may be cancelled upon the following terms:

(a) If the transmitter location, power or frequency of the station is changed at any time so as to effect adversely the area or population coverage of Broadcaster's station, TBN may terminate this Agreement upon 60 days written notice to Broadcaster.

(b) If Broadcaster airs programs or announcements immediately prior to or following the broadcast of TBN programming which are inconsistent with the fundamental Christian moral standards set out in paragraphs 9(d) above, this Agreement may be cancelled immediately by TBN by providing written notice of cancellation to the Broadcaster.

(c) Either party may cancel this Agreement at any time by providing 120 days written notice.

(d) Upon serving written notice of the execution of an agreement contemplating the transfer or assignment of the Broadcaster's authority to operate its station, such as would require the filing of an FCC form 314 or 315, or successor forms of similar import, TBN may terminate this Agreement upon 30 days written notice.

14. Duration.

This Agreement shall become effective at three (3) o'clock p.m., Pacific Standard Time on the 4 December, 1989.

Unless sooner terminated as hereinabove provided, this Agreement shall continue for a period of five (5) years. Thereafter it shall be renewed on the same terms and conditions for successive periods of five years each, unless and until either party notifies the other of its intention not to

renew. Such notice shall be given at least 120 days prior to the expiration of the then current term.

15. Notices.

Any such notices given or required to be given hereunder shall be in writing, and shall be transmitted by prepaid mail or telegram addressed to TBN at P.O. Box C-11949, Santa Ana, California 92711, and to Broadcaster at 432 Northeast 74th Street, Portland, Oregon 97213, or at such other address as either party may specify by notice similarly sent. Where notice is given by mail or telegram, the date of mailing or the date of delivery to the telegraph office, as the case may be, shall be deemed the date of giving notice.

16. General Provisions.

(a) The waiver by either party of a breach or default by the other shall not be deemed to constitute a waiver of any preceding or subsequent breach or default of the same or any other provision.

(b) This Agreement may not be modified, renewed or discharged, except as herein specifically provided, or by an agreement in writing signed by both parties.

(c) The parties to this Agreement intend that all disputes and controversies of every kind and nature between the parties hereto arising out of, or in connection with, this Agreement as to existence, construction, validity, interpretation or meaning, performance, non-performance, enforcement, operation, breach, continuance or termination thereof, shall be arbitrated in Los Angeles or Orange County, California by a third person acceptable to the parties under the rules then obtaining of the American

Arbitration Association or the Christian Legal Society's arbitration service. Both parties agree to be bound by the decision of the arbitrator. The cost of such an arbitration shall be borne as the award may direct. The award shall be rendered in such form that judgement shall be entered thereon in the highest court of the forum having jurisdiction thereof.

(d) This Agreement shall be governed by the laws of the state of California.

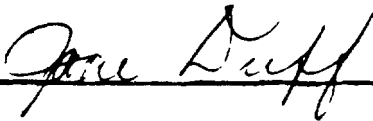
(e) This constitutes the entire Agreement between the parties, all prior understandings are hereby merged herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

NATIONAL MINORITY
TELEVISION, INC.

TRINITY BROADCASTING
NETWORK, INC.

BY:



BY:

EXHIBIT 4

VERIFIED STATEMENT OF MRS. JANE DUFF

DECLARATION

I, Jane Duff, hereby declare and state as follows:

1. I am an officer and director of National Minority TV, Inc. I am the director responsible for the daily operations and workings of NMTV, and for coordinating and preparing the periodic filings that NMTV must make with the Federal Communications Commission.

2. In the Fall of 1990, Rev. David Espinoza resigned as a director of NMTV. Rev. Espinoza had been a director since NMTV was first incorporated in 1980. He was replaced with Rev. Phillip Aguilar of Set Free Christian Fellowship. Rev. Aguilar is a dynamic Hispanic pastor with a special ministry to the inner-city, gang members, and alcohol and drug abusers. I had known of Rev. Aguilar's ministry, and knew that part of Rev. Aguilar's testimony was his conversion experience while serving a jail term in the mid-1970's. I also knew that the reason Rev. Aguilar had served a jail term was for criminal assault of a juvenile. However, since his conversion, Rev. Aguilar has completely turned his life around, and has a special and effective Christian ministry based, in part, on his jail experience.

3. Because Rev. Aguilar's troubled past, including his criminal conviction and jail term, are such an integral part of his testimony and ministry, and his experiences are widely publicized and known in the public, when he was elected as a director of NMTV, it simply did not occur to me that his past criminal record was relevant to his qualifications to be a member

of NMTV's board. To me he is, and was, simply a fellow Christian who is an effective witness for the Gospel. His prison experience was in the distant past. I was aware that prior criminal convictions had to be reported to the FCC, however, in this instance I simply did not focus on the FCC requirements in connection with Rev. Aguilar until our FCC counsel called me in May of last year when he was preparing a response to the Petition to Deny which had been filed against NMTV's proposed acquisition of WTGL-TV in Wilmington, Delaware. I had sent Mr. May a brief statement regarding Rev. Aguilar and his Set Free Church, and that statement noted that "Rev. Aguilar had a conversion in 1976 while serving a jail sentence" (see Exhibit 18 to NMTV's May 23, 1991 Opposition to Petition to Deny in the Wilmington proceeding--BALCT-910329AE).

4. When NMTV's counsel saw that statement he called and asked for further information. That information was provided to counsel as promptly as possible, and subsequently reported to the FCC. In the interim, however, NMTV submitted its May 23, 1991 Opposition in the Wilmington proceeding, and counsel noted in footnote 23 of that filing that "NMTV has discovered that Rev. Aguilar has been convicted in 1976 of a criminal charge of assault." That was counsel's way of providing notice that he had just discovered this, and that an appropriate disclosure and amendment would be submitted to the FCC. However, it was not the first time NMTV had discovered or knew of Rev. Aguilar's prior

criminal conviction. As I have stated, Rev. Aguilar's criminal past is a central part of his Christian ministry, and is widely publicized and known.

This Declaration is provided under penalty of perjury this 30
th day of January, 1992.

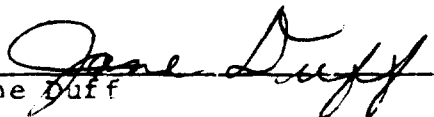

Jane Duff

EXHIBIT 5

VERIFIED STATEMENT OF COLBY M. MAY

DECLARATION

I, Colby M. May, hereby declare and state as follows:

1. I am a partner of May & Dunne, Chartered, a communications law firm in Washington, D.C. representing clients at the Federal Communications Commission. I have represented National Minority TV, Inc., a California non-profit tax-exempt public charity, for many years.

2. In May of 1991 a Petition to Deny was filed by Dan Borowitz against NMTV's proposed purchase of bankrupt television station WTGI, Wilmington, Delaware (BALCT-910329AE). Our office was responsible for the preparation of NMTV's Opposition to that Petition. During the preparation of the Opposition, our office learned for the first time that Rev. Aguilar had been convicted of a felony in 1976. Since this fact had not been previously reported to the Commission, and Rev. Aguilar had become a director of NMTV in late 1990 (as reported to the Commission in an ownership report filed November 15, 1990) I knew this had to be promptly disclosed to the Commission. Accordingly, a footnote (fn. 23) in the May 23, 1991 Opposition filed at the Commission was included which stated:

In preparing this pleading, NMTV has discovered that Rev. Aguilar had been convicted in 1976 of a criminal charge of assault. Accordingly, NMTV's response to Section II, Question 4(a) is incorrect. NMTV will be filing a corrective amendment as soon as practicably possible.

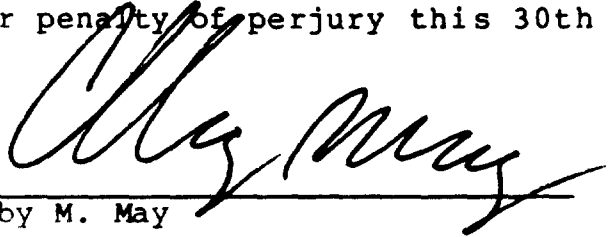
That statement, unfortunately, was inaccurate. It was not "NMTV" which had discovered Rev. Aguilar's prior criminal conviction,

but rather it was our discovery, i.e., the attorneys. In retrospect it would have been more accurate to say "NMTV's communications counsel has discovered," not "NMTV has discovered."

3. Nevertheless, the disclosure of this oversight regarding the reporting of Rev. Aguilar's prior criminal conviction was provided first by NMTV and predates all other filings in the Wilmington proceeding regarding Rev. Aguilar's conviction. On June 14, 1991, notice was given to the Commission's Ownership Section in connection with an updated Ownership Report (FCC Form 323) filed for KNMT, Portland, Oregon (copy attached). Four days later another filing, which included a copy of the court records from Rev. Aguilar's criminal dockets, was made in the Wilmington proceeding (copy attached). In addition, updating amendments were also filed to NMTV's television translator applications (see Attachment 3).

4. It is unfortunate that our office was inaccurate in stating when NMTV learned of Rev. Aguilar's criminal conviction. There was certainly no intent on our part, or on the part of NMTV, to mislead the Commission or anyone else concerning Rev. Aguilar, or the fact that the directors of NMTV had previously been aware of Rev. Aguilar's conviction.

The foregoing is provided under penalty of perjury this 30th day of January, 1992.


Colby M. May

ATTACHMENT I

00169

JOSEPH E. DUNNE III
COLBY M. MAY

ALSO ADMITTED IN VIRGINIA

MAY & DUNNE
CHARTERED
ATTORNEYS AT LAW
1000 THOMAS JEFFERSON STREET N.W.
SUITE 520
WASHINGTON D.C. 20007
(202) 298-6345

FCC/MELLON JUN 18 1991

RICHARD G. GAY
OF COUNSEL

TELECOPIER NO
(202) 298-6375

June 14, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Federal Communications Commission
Mass Media Services
P. O. Box 358180
Pittsburgh, Pennsylvania 15251-5180

RE: KNMT(TV), Portland, Oregon, Ownership Report

Dear Sir or Madam:

On May 3, 1991 James J. Brown, Assistant Chief, Video Services Division, Mass Media Bureau, sent a letter to National Minority TV, Inc. ("NMTV"), licensee of the referenced facility. That letter noted that no annual ownership certification had been provided for KNMT(TV). However, NMTV did file an updated Ownership Report on November 15, 1990 for KNMT(TV), and its 1991 certification is not due until October 1. However, NMTV is submitting herewith a new Ownership Report for KNMT(TV), since when it filed its November 15, 1990 Ownership Report reflecting the addition of a new director, Rev. Philip Aguilar, it failed to report that Rev. Aguilar had been convicted of child assault, a felony, in 1977. Accordingly, while an ownership report does not solicit any information concerning the criminal record of the licensee's principals, this new report is being submitted with the details of Rev. Aguilar's record.

It must also be noted, however, that Rev. Aguilar's conviction did not involve any of the criminal matters noted as reflecting upon an individual's qualifications to be a Commission licensee. Character Qualifications In Broadcast Licenses, FCC 85-648, released January 14, 1986, 59 R.R.2d 801 (1986).

Specifically, Rev. Aguilar's conviction did not involve fraud, misrepresentation, deceit, dishonesty or false statements, nor did it involve anti-competitive behavior. Also, the conviction is remote in time, fourteen years ago, and since then Rev. Aguilar has been a model citizen, is the pastor of a large and active church, and has received numerous awards and commendations for community service.

Concerning KMLM(TV), Odessa, Texas, also referenced in your letter, NMTV consummated its sale of that facility on April 5, 1991, and notice was given on April 9, 1991. As a result, your request seems moot with regard to KMLM.

00110

June 14, 1991

Page 2

Pursuant to section 1.1104 of the Commission's rules, a check in the amount of \$35.00 made payable to the Federal Communications Commission, along with the required "Fee Processing Form" (FCC Form 155) is also tendered herewith.

The applicant respectfully requests that the enclosed copy of the application, marked "COPY," be stamped as received and returned to the undersigned in the enclosed self-addressed, stamped envelope.

Thank you for your attention in this matter, and if there are any additional questions or requests please contact the undersigned directly.

Respectfully submitted,

NATIONAL MINORITY TV, INC.

By:


Colby M. May
Its Attorney

CMM:jrfB47

xc: KNMT(TV) Public File

James J. Brown (FCC Room 702, Via Hand Delivery)

00111

United States of America
Federal Communications Commission
Washington, D. C. 20554

Ownership Report

NOTE: Before filling out this form, read attached instructions

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license/permit or transfer of control (except to report an assignment of license/permit or transfer of control made pursuant to prior Commission consent).

1 All of the information furnished in this Report is accurate as of

June 13 19 91

(Date must comply with Section 73.3515(a), i.e., information must be current within 60 days of the filing of this report, when 1(a) below is checked.)

This report is filed pursuant to Instruction (check one)

1(a) ☒ Annual 1(c) ☐ Transfer of Control or Assignment of License 1(e) ☐ Other

for the following stations:

Call Letters	Location	Class of service
KNXT	Portland, Oregon	TV

2. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (See Instruction 3):

N/A

3. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

See Exhibit 1

CERTIFICATION

The Secretary

I certify that I am

(Official title, see Instruction 1)

of National Minority TV, Inc.

(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Item 1 and in no event prior to Item 1 date):

June 13 19 91
(Signature) (Date)

Telephone No. of respondent (include area code)

(714) 665-2113

Any person who willfully makes false statements on this report can be punished by fine or imprisonment, U.S. Code, Title 18, Section 1001.

Name and Post Office Address of respondent:

National Minority TV, Inc.
P.O. Box C11951
Santa Ana, California 92711

4. Name of entity, if other than licensee or permittee, for which report is filed (see instruction 3):

N/A

5. Respondent is:

- ☐ Sole Proprietorship
☐ For-profit corporation
☒ Not-for-profit corporation
☐ General Partnership
☐ Limited Partnership
☐ Other: _____

If a limited partnership, is certification statement included as in Instruction 4?

☐ Yes ☐ No

00112

Form 3000
February 1991

6 (List all contracts and other instructions required to be filed by Section 73.5003 of the Commission's rules, otherwise exercised de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
Program Affiliation Agreement	Trinity Broadcasting Network	October 1988	October 1993

7 Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee, shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
N/A - Nonprofit/Nonstock Corporation					

Remarks concerning family relationships, attribution exemptions and certifications: (See Instructions 4, 5 and 6)

00113

Read carefully - The numbered items below refer to line numbers in the following table.

1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interest.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3565 and 76.301 of the Commission's Rules, including the nature and size of such interests and the position held.

	(a)	(b) *	(c)
1	Paul F. Crouch 1973 Port Chelsea Place Newport Beach, CA 92660	Phillip Aguilar 320 North Anaheim Blvd. Anaheim, CA 92805	P. Jane Duff 15052 Humphrey Circle Irvine, CA 92714
2	USA	USA	USA
3	President	Vice President	Secretary/Treasurer
4	N/A-nonprofit/nonstock	N/A-nonprofit/nonstock	N/A-nonprofit/nonstock
5	One	One	One
6	33-1/3%	33-1/3%	33-1/3%
7	See Attachment 1	None	See Attachment 1
8	See Attachment 1	None	See Attachment 1

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The collection of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to assess compliance with the Commission's multiple ownership restrictions. The staff, consisting primarily of attorneys and engineers, will use the information to determine such compliance. If all the information requested is not provided, processing may be delayed while a request is made for the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is requested to retain your confidentiality.

*see attached statement

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974
AND THE PAPERWORK REDUCTION ACT P.L. 96-511, DECEMBER 11, 1980, AND 5 U.S.C. 552

00114

ne (Read carefully. The numbered items below refer to the numbers in the following table.)

Name and residence of officer, director, cognizable stockholder or partner (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.

Citizenship.

Office or directorship held.

Number of shares or nature of partnership interest.

Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 75.501 of the Commission's Rules, including the nature and size of such interests and the position held.

1	(a)	(b)	(c)
	Matthew Crouch 14 Bahia Street Irvine, CA 92714	Charlene Williams 11823 Quarte Circle Fountain Valley, CA 92708	
2	USA	USA	
3	Assistant Secretary	Assistant Secretary	
4	N/A-nonprofit/nonstock	N/A-nonprofit/nonstock	
5	N/A	N/A	
6	N/A	N/A	
7	See Attachment 1	See Attachment 1	
8	See Attachment 1	See Attachment 1	

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The submission of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to assess compliance with the Commission's multiple ownership restrictions. The staff, consisting variously of attorneys and examiners, will use the information to determine such compliance. If all the information requested is not provided, processing may be delayed while a request is made to produce the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to retain your authorization.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-570, DECEMBER 31, 1974,
5 U.S.C. 552(a)(3); AND THE PAPERWORK REDUCTION ACT, P.L. 95-111, DECEMBER 11, 1976, 41 U.S.C. 505.

00115

EXHIBIT I

NAME OF PARTY HAVING INTEREST: PAUL F. CROUCH:

<u>CALL LETTERS OF STATION OR FILE NUMBER OF APPLICATION</u>	<u>LOCATION</u>
Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network licensee of:	
(1) KTBN-TV,	Santa Ana, California;
(2) WLXI(TV)	Greensboro, North Carolina;
(3) WDLI(TV)	Canton, Ohio
(4) KGHO(AM/FM)	Hoquiam, Washington
(5) KTBN (formerly KUSW), Inter- national	Salt Lake City, Utah
(6) WHSG(TV)	Monroe, Georgia
Trinity Broadcasting of Arizona, Inc., licensee of KPAZ-TV	Phoenix, Arizona
Trinity Broadcasting of Oklahoma City, Inc., licensee of KTBO-TV.	Oklahoma City, Oklahoma
Trinity Broadcasting of Washington, licensee of KTBW-TV	Tacoma, Washington
Trinity Broadcasting of Florida, Inc., licensee of WHFT(TV)	Miami, Florida
Trinity Broadcasting of Indiana, Inc. licensee of:	
(1) WKOI(TV)	Richmond, Indiana
(2) WCLJ(TV)	Bloomington, Indiana
Trinity Broadcasting of New York, Inc., licensee of WTBY-TV	Poughkeepsie, New York
Trinity Broadcasting of Texas, Inc., licensee of KDTX-TV.	Dallas, Texas
Community Educational Television, Inc., licensee of:	
(1) KLUJ(Ed.-TV)	Harlingen, Texas
(2) KITU(Ed.-TV)	Beaumont, Texas
(3) KETH(Ed.-TV)	Houston, Texas
Permittee of KCWM(Ed.-FM)	Barstow, California

Jacksonville Educators Broadcasting, Inc.
licensee of:

(1) WJEB(Ed.-TV)	Jacksonville, Florida
(2) WTCE(Ed.-TV)	Fort Pierce, Florida

Mr. Crouch, through his involvement with the above organizations also has interests in various LPTV and television translator facilities and pending LPTV applications throughout the country. If information on such interests is requested by the Commission it will be provided immediately. Mr. Crouch is also involved with various foreign broadcast facilities.

NAME OF PARTY HAVING INTEREST: P. JANE DUFF

Community Educational Television, Inc ,
licensee of:

(1) KLUJ(Ed.-TV)	Harlingen, Texas
(2) KITU(Ed.-TV)	Beaumont, Texas
(3) KETH(Ed.-TV)	Houston, Texas

Permittee of KWCM(Ed.-FM)	Barstow, California
---------------------------	---------------------

Jacksonville Educators Broadcasting, Inc.
licensee of:

(1) WJEB(Ed.-TV)	Jacksonville, Florida
(2) WTCE(Ed.-TV)	Fort Pierce, Florida

Mrs. Duff is also involved with various foreign broadcast facilities. If information on such involvements is requested by the Commission it will be provided immediately.

NAME OF PARTY HAVING INTEREST: MATTHEW CROUCH & CHARLENE WILLIAMS

Matthew Crouch and Charlene Williams are officers, but not directors, in the same companies as Paul F. Crouch.

STATEMENT REGARDING REV. PHILIP R. AQUILAR

Rev. Philip R. Aquilar, National Minority TV, Inc.'s vice president and a director, is the pastor of Set Free Christian Fellowship which operates a 4,000 member church in Anaheim, California. Rev. Aquilar founded Set Free Christian Fellowship in the early 1980's, and in addition to its church facilities in Anaheim, the ministry operates three ranches, one in California, one in Texas, and one in Illinois. These ranches are used by Set Free Christian Fellowship as rehabilitation and counseling centers for drug and alcohol abusers and addicts, individuals with criminal pasts, and troubled people. Since its founding, and under Rev. Aquilar's stewardship, Set Free Christian Fellowship has helped many people with alcohol and drug problems, and criminal pasts.

In the mid 1970's, 16 years ago, Rev. Aquilar was a drug abuser and addict. During that time of his life, in 1976, Rev. Aquilar was arrested for child assault. This was a violation of section 273(d) (child beating) of the California Penal Code, and on February 25, 1977 Rev. Aquilar entered a guilty plea in Orange County Case No. C-37218.

In March 2, 1977 Rev. Aquilar was incarcerated in the Chino State Prison, and was later transferred to the Vacaville State Prison. Rev. Aquilar's sentence was for no less than one year nor more than ten, and he was paroled a little more than a year after his conviction, on April 28, 1978. Rev. Aquilar's parole ended a year later, on May 7, 1979, and since the events of late 1976 when

he was first arrested. Rev. Aguilar has had no run-ins or incidents with the law, and has lived a decent and God-fearing life.

ATTACHMENT II

00120

JOSEPH E. DUNNE III
COLBY M. MAY

ALSO ADMITTED IN VIRGINIA

MAY & DUNNE
CHARTERED
ATTORNEYS AT LAW
1000 THOMAS JEFFERSON STREET, N.W.
SUITE 520
WASHINGTON, D.C. 20007
(202) 298-6345

RICHARD G. GAY
OF COUNSEL

TELECOPIER NO
(202) 298-6375

June 18, 1991

HAND DELIVER

Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Attn: Television Branch, Video Services Division, Mass Media Bureau

RE: Amendment to Application to Assign WTGI-TV, Wilmington,
Delaware (BALT-910329AE)

Dear Ms. Searcy:

Transmitted herewith, in triplicate, on behalf of National Minority TV, Inc. is an amendment to the assignee's portion of the above-referenced pending application.

The attached amendment alters NMTV's response to section II, question 4.a., to report that one of its principals, Rev. Philip R. Aquilar, was convicted of a felony, i.e., child beating, and served 13 months in prison. Full information concerning the offense and Rev. Aquilar's sentence is included with the amendment.

NMTV notes that the Commission has recently stated that "... evidence of any conviction for misconduct constituting a felony will be relevant to our evaluation of an applicant's or licensee's character." Policy Regarding Character Qualifications in Broadcast Licensing, 5 FCC Rcd. 3252, 67 Rad. Reg. 2d (P&F) 1107, 1108 (1990) (hereinafter "Character Qualifications Policy"). The Commission also held that "... not all convictions for serious crimes are equally probative ..." and that "... there are mitigating factors that must be taken into consideration ..." Id. Among the factors which the Commission evaluates are: "... the willfulness of the misconduct, the frequency of the misconduct, the currentness of the misconduct, the nature of the participation (if any) of managers or owners, efforts made to remedy the wrong, overall record of compliance with FCC rules and policies, and rehabilitation." Id.

Rev. Aquilar's verified statement shows that the misconduct (child beating) was an isolated incident which occurred almost 15 years ago. The misconduct, while serious, occurred in an intrafamily context which has limited probative value as a predictive indicia

00121

for Rev. Aquilar's propensity to comply with FCC rules or regulations, or to be truthful with the Commission. In fact, there is little if any nexus between the misconduct for which Rev. Aquilar was convicted and the conduct the Character Qualifications Policy specified as the Commission's primary concern, i.e., "... an applicant's propensity for truthfulness and reliability." Character Qualifications in Broadcast Licensing, 102 F.C.C.2d 1179, 59 Rad. Reg. 2d (P&F) 801, 814 (1986). While the misconduct at issue is certainly reprehensible, it does not involve fraud, untruthfulness, or false or misleading testimony to the Commission or another federal agency, nor is it broadcast related. Cf., Kannacolis Television Co., 1 FCC Rcd. 1037, 61 Rad. Reg. 2d (P&F) 1196 (1986) (fraudulent land conveyances, misrepresentation to the Commission); Las Americas Communications, Inc., 1 FCC Rcd. 786, 61 Rad. Reg. 2d (P&F) 1008 (Rev. Bd. 1986) (failure to pay federal taxes, misrepresentation to the Commission). There simply is not the "substantial relationship between the criminal conviction and the applicant's proclivity to be truthful or comply with the Commission's rules and policies ..." Character Qualifications In Broadcast Licensing, *supra*, 59 Rad. Reg. 2d (P&F) at 814, required to raise a substantial and material question concerning NMTV's qualifications. Rev. Aquilar has "remedied his wrong" by leading an exemplary life for 13 years after his release from prison, and by his well documented efforts to rehabilitate and counsel alcohol and drug abusers.

Rev. Aquilar's verified statement provides ample evidence of his rehabilitation. Rev. Aquilar has had no brushes with the law since his conviction. The conviction itself is now remote in time, now 14 years old, for conduct occurring almost 15 years ago. Rev. Aquilar has, for the last ten years, provided a needed ministry and community service through his personal efforts and those of his church to alcohol and drug abusers, the homeless, and the troubled. Rev. Aquilar and his Set Free church provide housing for the homeless, counseling for the troubled and those suffering from drug and alcohol addiction, and food and clothing for the needy in a crime and drug infested area of Anaheim, and now in Illinois and Texas as well. This community service, and Rev. Aquilar's contributions to the community, have been recognized by many prominent Anaheim citizens through a number of awards and testimonials, including the "Disneyland Community Service Award." Perhaps the most vivid example of Rev. Aquilar's rehabilitation is the fact that the child whom he was convicted of assaulting is now, and has been for many years, his stepson.

Accordingly, because of the nature of the crime, the lack of a relationship between the crime and either truthfulness or a

propensity to obey the Commission's rules, and, most importantly, the complete conversion of Rev. Aquilar, his obvious rehabilitation, and his record of community service, NMTV believes that Rev. Aquilar's presence on its Board does not create a substantial question concerning its qualifications to be a licensee. Clearly the crime for which he was convicted was less heinous and the evidence of rehabilitation equally as strong as that in Allessandro Broadcasting Co., 99 F.C.C.2d 1, 56 Rad. Reg. 2d (P&F) 1568 (Rev. Bd. 1984) rev den, FCC 84-334 (rel. June 28, 1986), aff'd sub nom, New Radio Corp. v. FCC, 804 F.2d 756 (D.C. Cir., 1986), where the Commission held that an applicant was not disqualified, despite a conviction for second degree murder, because of evidence of rehabilitation and fact that the conviction occurred 14 years earlier.

Should any questions arise concerning this matter, kindly contact this office.

Respectfully submitted,

MAY & DUNNE, CHARTERED

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